



General Assembly

January Session, 2009

**Committee Bill No. 732**

LCO No. 4722

\*04722SB00732JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE SENTENCING OF DRUNKEN DRIVERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 14-227a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2009*):

4 (g) Any person who violates any provision of subsection (a) of this  
5 section shall: (1) For conviction of a first violation, (A) be fined not less  
6 than five hundred dollars or more than one thousand dollars, and (B)  
7 be (i) imprisoned not more than six months, forty-eight consecutive  
8 hours of which may not be suspended or reduced in any manner  
9 except as provided in subdivision (2) of subsection (j) of this section, or  
10 (ii) imprisoned not more than six months, with the execution of such  
11 sentence of imprisonment suspended entirely and a period of  
12 probation imposed requiring as a condition of such probation that  
13 such person perform one hundred hours of community service, as  
14 defined in section 14-227e, and (C) (i) have such person's motor vehicle  
15 operator's license or nonresident operating privilege suspended for  
16 one year, or (ii) if such person has been convicted of a violation of

17 subdivision (1) of subsection (a) of this section on account of being  
18 under the influence of intoxicating liquor or of subdivision (2) of  
19 subsection (a) of this section, have such person's motor vehicle  
20 operator's license or nonresident operating privilege suspended for  
21 three months and be prohibited for the nine-month period following  
22 completion of such period of suspension from operating a motor  
23 vehicle unless such motor vehicle is equipped with a functioning,  
24 approved ignition interlock device, as defined in section 14-227j; (2) for  
25 conviction of a second violation within ten years after a prior  
26 conviction for the same offense, (A) be fined not less than one  
27 thousand dollars or more than four thousand dollars, (B) be  
28 imprisoned not more than two years, one hundred twenty consecutive  
29 days of which may not be suspended or reduced in any manner except  
30 as provided in subdivision (2) of subsection (j) of this section, and  
31 sentenced to a period of probation requiring as a condition of such  
32 probation that such person perform one hundred hours of community  
33 service, as defined in section 14-227e, and (C) (i) have such person's  
34 motor vehicle operator's license or nonresident operating privilege  
35 suspended for three years or until the date of such person's twenty-  
36 first birthday, whichever is longer, or (ii) if such person has been  
37 convicted of a violation of subdivision (1) of subsection (a) of this  
38 section on account of being under the influence of intoxicating liquor  
39 or of subdivision (2) of subsection (a) of this section, have such  
40 person's motor vehicle operator's license or nonresident operating  
41 privilege suspended for one year and be prohibited for the two-year  
42 period following completion of such period of suspension from  
43 operating a motor vehicle unless such motor vehicle is equipped with  
44 a functioning, approved ignition interlock device, as defined in section  
45 14-227j; and (3) for conviction of a third and subsequent violation  
46 within ten years after a prior conviction for the same offense, (A) be  
47 fined not less than two thousand dollars or more than eight thousand  
48 dollars, (B) be imprisoned not more than three years, one year of which  
49 may not be suspended or reduced in any manner except as provided in  
50 subdivision (2) of subsection (j) of this section, and sentenced to a

51 period of probation requiring as a condition of such probation that  
52 such person perform one hundred hours of community service, as  
53 defined in section 14-227e, and (C) have such person's motor vehicle  
54 operator's license or nonresident operating privilege permanently  
55 revoked upon such third offense. For purposes of the imposition of  
56 penalties for a second or third and subsequent offense pursuant to this  
57 subsection, a conviction under the provisions of subsection (a) of this  
58 section in effect on October 1, 1981, or as amended thereafter, a  
59 conviction under the provisions of either subdivision (1) or (2) of  
60 subsection (a) of this section, a conviction under the provisions of  
61 section 53a-56b or 53a-60d or a conviction in any other state of any  
62 offense the essential elements of which are determined by the court to  
63 be substantially the same as subdivision (1) or (2) of subsection (a) of  
64 this section or section 53a-56b or 53a-60d, shall constitute a prior  
65 conviction for the same offense.

66 Sec. 2. Subsection (i) of section 14-227a of the general statutes is  
67 repealed and the following is substituted in lieu thereof (*Effective*  
68 *October 1, 2009*):

69 (i) (1) The Commissioner of Motor Vehicles shall permit a person  
70 whose license has been suspended in accordance with the provisions  
71 of subparagraph (C)(ii) of subdivision (1) or (2) of subsection (g) of this  
72 section to operate a motor vehicle if (A) such person has served not  
73 less than one year of such suspension, and (B) such person has  
74 installed an approved ignition interlock device in each motor vehicle  
75 owned or to be operated by such person. No person whose license is  
76 suspended by the commissioner for any other reason shall be eligible  
77 to operate a motor vehicle equipped with an approved ignition  
78 interlock device. (2) All costs of installing and maintaining an ignition  
79 interlock device shall be borne by the person required to install such  
80 device. (3) The commissioner shall adopt regulations, in accordance  
81 with the provisions of chapter 54, to implement the provisions of this  
82 subsection. The regulations shall establish procedures for the approval  
83 of ignition interlock devices, for the proper calibration and

84 maintenance of such devices and for the installation of such devices by  
85 any firm approved and authorized by the commissioner. (4) The  
86 provisions of this subsection shall not be construed to authorize the  
87 continued operation of a motor vehicle equipped with an ignition  
88 interlock device by any person whose operator's license or nonresident  
89 operating privilege is withdrawn, suspended or revoked for any other  
90 reason. (5) The provisions of this subsection shall apply to any person  
91 whose license has been suspended in accordance with the provisions  
92 of subparagraph (C)(ii) of subdivision (2) of subsection (g) of this  
93 section on or after September 1, 2003, or subparagraph (C)(ii) of  
94 subdivision (1) of subsection (g) of this section on or after July 1, 2009.

95 Sec. 3. Subsection (j) of section 14-227a of the general statutes is  
96 repealed and the following is substituted in lieu thereof (*Effective*  
97 *October 1, 2009*):

98 (j) (1) In addition to any fine or sentence of imprisonment imposed  
99 pursuant to the provisions of subsection (g) of this section, the court  
100 may order such person to participate in an alcohol education and  
101 treatment program.

102 (2) In lieu of imposing the mandatory minimum sentence of  
103 imprisonment authorized by the provisions of subsection (g) of this  
104 section, if the most serious offense that the person stands convicted of  
105 is a violation of subsection (a) of this section, the court may sentence  
106 such person to a term of imprisonment pursuant to said subsection (g),  
107 with the execution of such sentence of imprisonment suspended  
108 entirely or after a period set by the court, and a period of probation  
109 requiring as a condition of such probation that such person not leave  
110 such person's residence except as otherwise authorized and be subject  
111 to electronic monitoring by use of a global positioning system and  
112 continuous monitoring for alcohol consumption.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2009</i>	14-227a(g)
Sec. 2	<i>October 1, 2009</i>	14-227a(i)
Sec. 3	<i>October 1, 2009</i>	14-227a(j)

***Statement of Purpose:***

To prohibit the operation of a motor vehicle for a specified time period by a person convicted for the first time of drunken driving unless the motor vehicle is equipped with an ignition interlock device and to give judges the discretion in certain cases to sentence a person convicted of drunken driving to house arrest and monitoring by a global positioning system device and an alcohol consumption device rather than sending such person to prison.

Co-Sponsors: SEN. LOONEY, 11th Dist.; REP. FRITZ, 90th Dist.

**S.B. 732**

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*